

MINUTES
TOWN OF WAUKESHA PLAN COMMISSION MEETING
TOWN HALL W250S3567 CENTER ROAD
THURSDAY, AUGUST 12, 2010 – 6:30 P.M.

1. Chairman Angie E. Van Scyoc called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.

Present were: Plan Commissioners: Chairman Angie E. Van Scyoc, Commissioners; Daniel Buchholtz, Alan White, Brian Fischer, Robert Flanagan; Planner Tom Delacy, Attorney James Hammes, Engineer Richard Eberhardt and Clerk/Treasurer Jamie Salentine.

2. Citizen Comments:

Dick Mejchar, W255S5765 Oakdale Drive, asked the commissioners if the Town has a Tornado Siren and if not what is the Town doing about this. Chairman Van Scyoc stated the town has no Tornado Sirens and the Town will be looking into to this further. He stated he would like something acted on.

3. Approval of Minutes from June 10, 2010

MOTION Commissioner Flanagan moved to approve the June 10, 2010 as presented, seconded by Commissioner White, motion approved.

Clerk's Note: Minutes are attached.

4. **DISCUSSION AND POSSIBLE ACTION**

RIVER HILLS ESTATES #8, (RE-APPROVAL) OF FINAL PLAT:

Mark R. Ellena, P.E. of Ellena Engineering Consultants, LLC; Representative for

Property Owner: River View Estates, LLC c/o Greg Walsh

Property Located at: NE ¼ of Section 21, T6N, R19E, City and Town of Waukesha

Recommendation to the Town Board

Engineer Mr. Ellena for River Hills Estates stated the City of Waukesha has approved them and is requesting re-approval of the Final Plat.

Attorney Hammes asked about the Intergovernmental agreement and for this to be reviewed. He stated the storm water maintenance agreement was to have the City of Waukesha maintain.

MOTION Commissioner Fischer moved to recommend to the Town Board for approval of the **RIVER HILLS ESTATES #8, (RE-APPROVAL) OF FINAL PLAT:** Mark R. Ellena, P.E. of Ellena Engineering Consultants, LLC; Representative for Property Owner: River View Estates, LLC c/o Greg Walsh Property Located at: NE ¼ of Section 21, T6N, R19E, City and Town of Waukesha, subject to the Intergovernmental Agreement to be reviewed by the Town Attorney, seconded by Commissioner Flanagan, motion approved.

5. **DISCUSSION AND POSSIBLE ACTION**

SITE PLAN/PLAN OF OPERATION FOR MIDWEST TRUCKWERKS, LLC

Tenant/Business Owner: Craig LaChance

Property/Building Owner: Mallory Properties – Representative/Agent Steve Looft

Property Address: W226 S1700 STH 164

Recommendation to the Town Board

Chairman Van Scyoc clarified Agent Looft was not an agent he was an employee and should not be included as part of the Property/Building Owner section.

Representative Guiffre for Midwest Truckwerks, LLC stated they would like to do truck repair, truck sales, and truck accessory sales.

Planner Delacy reviewed with the commissioners the operations the company is looking at doing as stated above in addition to trailer, snowmobiles sales/rentals including enclosed trailers. He stated the vehicle sales will be operating Monday through Saturday from 6:00 a.m. to 9:00 p.m. and vehicle repair operating from Monday through Sunday from 6:00 a.m. to 9:00 p.m. He stated they listed up to 20 employees and currently they have 4 employees. Planner Delacy reviewed all the stalls in each location. He stated for outside display and storage the company is close to the maximum amount they are entitled too.

MOTION Commissioner Flanagan moved to recommend to the Town Board approval of the Site Plan/Plan of Operation for Midwest Truckwerks, LLC; Tenant/Business Owner: Craig LaChance Property/Building Owner: Mallory Properties – Representative/Agent Steve Looft Property Address: W226 S1700 STH 164, subject to the following conditions:

1. **Site Plan/Plan of Operations:** The site plan and plan of operations stamped received dated June 29, 2010 on file with the Town Clerk's office are approved except as modified herein.
2. **Parking:** All required 48 parking spaces are already paved and striped.
3. **Outside Storage:** Outside storage for exterior damaged or dismantled vehicles is not approved for this application. Vehicles that need to be mechanically repaired are permitted for outside storage per the site plan locations. Dumpsters are to be located behind the building by Area F and are approved with this application. Vehicle parts, tires etc. shall be stored inside the building.
4. **Outside Display:** Outside display of vehicle for sale, trailers for rent or sale are approved per the areas shown on reduced site plan received dated July 15, 2010.
5. **Lease Area:** Limits do not need to be shown on the site plan for use by this application. The property owner shall be responsible for "common areas" compliance with this approval.
6. **Signs:** All new signs require Town Board approval and a sign permit issued by the Building Inspector prior to installation. Sign face replacements within existing frames do not need Board approval per Section 13-2-15.
7. **Knox Box:** A key shall be provided per the Fire Department following the Town ordinance.
8. **Required Permits:** All required permits per the Town Building Code must be obtained prior to any construction.
9. **Occupancy Permit:** An occupancy permit shall be applied for with the Town Building Inspector. The Building and Fire Inspectors shall inspect the building for code compliance per the Town Building and Zoning Codes. If the building is in substantial compliance, the Building Inspector will issue an occupancy permit.
10. **Approval:** This approval is granted for the express conditions contained herein. Any change will require the tenant and property owner to return to the Plan Commission and Town Board for review and approval.
11. **Fees and Expenses:** The property owner and tenant are jointly and severably responsible to reimburse the Town for any and all fees paid by the Town for technical assistance in reviewing the application or enforcing this approval. Said payments must be paid upon request of the Town. The Town Clerk's office may provide the property owner and tenant with itemized invoices upon request.

Seconded by Commissioner White, motion approved.

6. **DISCUSSION AND POSSIBLE ACTION**
SITE PLAN/PLAN OF OPERATION FOR LARA'S TRUCKING, LLC
Tenant/Business Owner: Jesus and Jose Guerrero
Property/Building Owner: Richard Alexander
Property Address: W246 S3177 Industrial Lane, Unit B
Recommendation to the Town Board

Mr. Alexander stated he will be representing for Lara's Trucking, LLC.

Planner Delacy stated Lara's Trucking is moving from Unit C to Unit B. He stated the operations will stay the same, Monday – Sunday 7:00 a.m. to 5:00 p.m. They are looking at storing excess materials outside and doing minor repairs inside the building. He stated they had increased the height of the overhead door and a service door was added without the proper permits. They have stopped work until they present the proposal and bring everything up to code. Planner Delacy stated there are two employees listed and reviewed all of the stalls with the commission.

Commission Fischer asked if there are restroom facilities with the suite. Chairman Van Scyoc clarified the facilities are located between suites and accessible to everyone within the building. The Representative, Planner and Commissioners discussed the restroom facilities and security within, and clarified at this time there is no need to add a separate restroom and at a later time, if more changes were to happen, would need to bring back to the Plan Commission. Commissioner Fischer asked for Planner Delacy and Attorney Hammes to research the restroom facilities and the codes required with numerous occupancies within a commercial building. Planner Delacy and Attorney Hammes stated they would research.

MOTION Commissioner Fischer moved to recommend to the Town Board approval of the Site Plan/Plan of Operation for Lara's Trucking, LLC; Tenant/Business Owner: Jesus and Jose Guerrero Property/Building Owner: Richard Alexander Property Address: W246 S3177 Industrial Lane, Unit B, subject to Planner Delacy and Attorney Hammes to research the restroom accessibility and subject to the following conditions:

1. **Site Plan/Plan of Operations:** The site plan/plan of operations dated June 29, 2010 on file with the Town Clerk's office are approved except as modified herein.
2. **Parking:** The one required parking space is already paved and striped.
3. **Outside Storage:** Outside storage is not allowed, including overnight parking of unlicensed or inoperable vehicles.
4. **Vehicle Maintenance:** Vehicle maintenance conducted inside Unit B will require an exhaust system as defined in Comm 61-65 Commercial Building and Mechanical Code.
5. **Dumpster:** The dumpster shall be located per the site plan behind the southern building and not be visible from Industrial Lane.
6. **Signs:** Signs require Town Board approval and a sign permit issued by the Building Inspector prior to installation.
7. **Knox Box:** A key shall be provided per the Fire Department.
8. **Required Permits:** All required permits per the Town Building Code must be obtained prior to any construction.
9. **Occupancy Permit:** An occupancy permit shall be applied for with the Town Building Inspector. The Building and Fire Inspectors shall inspect the building for code compliance per the Town Building and Zoning Codes. If the building is in substantial compliance, the Building Inspector will issue an occupancy permit.
10. **Approval:** This approval is granted for the express conditions contained herein. Any change will require the tenant to return to the Plan Commission and Town Board for review and approval.
11. **Fees and Expenses:** The tenant and property owner are required to reimburse the Town for any and all fees paid by the Town for technical assistance in reviewing the application or enforcing this approval. Said payments must be paid upon request of the Town. The Town Clerk's office may provide tenant and property owner with itemized invoices upon request.

Seconded by Commissioner Flanagan, motion approved.

7. **DISCUSSION AND POSSIBLE ACTION
CONDITIONAL USE AMENDMENT AND SITE PLAN/PLAN OF OPERATION
FOR CANADIAN NATIONAL**

Tenant/Business Owner: Canadian National – Representative/Agent Heidi Woelfl of Shaw Environmental, Inc.
Property/Building Owner: GTP Acquisition Partners, II, LLC
Property Address: S42 W22080 Beeheim Road
Recommendation to the Town Board

Representative Heidi Wolfl of Shaw Environmental is present and represents the Property/Building Owner.

Tom Delacy reviewed the staff review to the Plan Commission. He stated the property has six (6) conditional use amendments. Commissioner Fischer asked if the conditional uses invalidate one another or are they all still effective. Planner Delacy clarified they do not invalidate the other the owner at the time is responsible of all of the conditions and the tenants are responsible for their own individual ones and are responsible to follow.

Commissioner Buchholtz asked about the Knox Box and Representative Woelfl stated GTP Acquisition Partners is in the process of this and will be contacting the Fire Department shortly.

MOTION Commissioner Fischer moved to remove the tabled Conditional Use Amendment and Site Plan/Plan of Operation for Canadian National from the table, seconded by Commissioner Flanagan, motion approved.

MOTION Commissioner White moved to recommend to the Town Board approval of the Conditional Use Amendment and Site Plan/Plan of Operation for Canadian National; Tenant/Business Owner: Canadian National – Representative/Agent Heidi Woelfl of Shaw Environmental, Inc. Property/Building Owner: GTP Acquisition Partners, II, LLC Property Address: S42 W22080 Beeheim Road, subject to the following conditions:

1. **Site Plan/Plan of Operations:** The conditional use permit amendment and site plan/plan of operations for the 498 foot tower is subject to the permit application and plan of operations dated March 3, 2010 on file at the Town Clerk's office. The improvements shall be constructed in substantial compliance with the plans received June 28, 2010 and are approved except as modified herein.
2. **Current Tenants:** A list of all the current tenants using the existing tower shall be submitted to the Town of Waukesha assessor. This list shall be submitted once a year upon request of the Town of Waukesha Assessor.
3. **Equipment:** The equipment shall be installed in the existing building and shall be limited to the area shown on the site plan.
4. **Outside Storage:** Outside storage of materials is prohibited.
5. **Signs:** A sign permit is not required for any name and warning sign following Section 13-2-15(d)(3).
6. **Knox Box:** A knox box shall meet the requirements of the Town ordinance (See Fire Department).
7. **Removal of Communication Facilities:** Within ninety (90) days after termination or expiration and non-renewal of this Conditional Use Permit, GTP Acquisition Partners, II, LLC shall remove its tower, equipment shelter, and all affiliated equipment or improvements that are part of its communication facilities. In the event the communications facilities are not removed from the premises within the ninety (90) day period, the Town of Waukesha shall have the right to remove the tower, equipment shelter and all other components of the communication facilities at the expense of GTP Acquisition Partners, II, LLC and/or the owner of the premises. If such costs of removal have not been paid by GTP Acquisition Partners, II, LLC or the owner of the premises to the Town of Waukesha within thirty (30) days after the billing, the Town of Waukesha may charge the costs of such removal to the owner of the premises by placing the charge on the tax roll as a special assessment pursuant to Wis. Stat. Section 66.60(16).

8. **Liability:** The applicant shall furnish a certificate of general liability insurance coverage for a minimum of \$1,000,000.00 and name the Town of Waukesha as an additional insured.
9. **Screening:** The equipment shelter and other equipment are screened from public right-of-ways and residential subdivisions with the existing landscaping. Any required landscaping for the site shall be replaced if it is dead or diseased.
10. **Building/Tower Plans:** All building and tower plans, including antenna additions to the tower, shall be approved by either the Division of Safety and Buildings and/or by the Town of Waukesha Building Inspection Department. Prior to installing any additional antennas and after Town Plan Commission and Town Board approval of a conditional use amendment for the same, structural review by a Wisconsin registered structural engineer shall be submitted to the Building Inspector's office by the provider who is installing the antennas, and shall indicate that the tower has the capacity to support the antennas. A permit is required from the Town of Waukesha Building Inspection Department prior to commencing construction on the tower or adding any antennas.
11. **Lighting:** Exterior lighting shall be limited to security purposes and FAA regulations will be designed so as not to shine upon neighboring properties and will meet requirements of Section 13-2-4.
12. **Existing Trees:** The existing trees and shrubbery on the property shall remain substantially the same. Dead or diseased trees may be removed as needed.
13. **FCC Approval:** A copy of the FCC tower registration shall be submitted by the applicant within thirty (30) days after approval of this amendment with respect to this facility.
14. **Operation Interference:** Operation of the tower facility shall be undertaken so as not to interfere with any other form of wireless communication. In the event any complaints of interference are received, and they are reasonably suspected by the Township to be the cause of interference, the Township shall so notify GTP Acquisition Partners, II, LLC. GTP Acquisition Partners, II, LLC shall have a period of thirty (30) days to investigate said complaints and respond to the Town of Waukesha. In the event that it is determined that GTP Acquisition Partners, II, LLC is the source of interference, GTP Acquisition Partners, II, LLC, or any tenants or lessor, shall have seven (7) days to take steps to correct the problem.
15. **Terms of Conditional Use:** The terms and conditions of this Conditional Use Permit amendment will be reviewed by the Plan Commission and Town Board at their discretion, upon notice to the owner, and, upon such review, additional terms and conditions may be imposed as are deemed necessary and appropriate by the Plan Commission and Town Board, so as to protect and promote the health, safety, and welfare in the area and intent of the Zoning Code. If this Conditional Use Permit amendment does not continue in conformity with the conditions of the original approval, or subsequently approved amendments or changes, the conditional use order, and any subsequently approved amendments thereto, may be terminated by action of the Town Board following referral to the Plan Commission for a public hearing thereon by the Town Board. The Town Board may require complete termination of such Conditional Use Permit.
16. **Expiration of Conditional Use Status:** The conditional use status will terminate after a public hearing, and the Plan Commission and Town Board of the Town of Waukesha determining any of the following:
 - a. The conditional use has not continued in conformity with the conditions of the permit.
 - b. There has been a change in the character of the surrounding area or in the conditional use itself, or the conditional use has not continued in conformity with the conditions of this Conditional Use Permit, such that the conditional use is no longer compatible with surrounding areas.
 - c. The conditional use has been discontinued for a period of twelve (12) consecutive months.

17. **Other Regulations:** Applicants agree to abide by any other requirements imposed by the Town of Waukesha or any other agencies. No use is hereby authorized unless that use is conducted in a lawful, orderly, and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance, or to constitute a waiver, exemption, or exception to any law, ordinance, order, or rule of the Town of Waukesha, the State of Wisconsin, the United States of America, or other duly-constituted authority, except only to the extent that it authorizes the use of the subject premises in specific respects described herein.
18. **Use Restricted:** This conditional use is granted for the express conditions contained herein. Any changes will require the owner to return to the Plan Commission and Town Board of the Town of Waukesha for their review and approval. Changes or alterations including, but not limited to, a change in use, premises, lands, or owners shall require a new Conditional Use Permit with all zoning procedures at the time being followed. The allowed uses of the subject property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for determination.
19. **Exterior Housekeeping:** The applicants will keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the leased area, and all such materials shall be disposed of promptly and properly. The tower shall be maintained to keep it in good repair.
20. **Fees:** The cost of professional services incurred by the Town of Waukesha for the review of, and preparation of, the conditional use document or attendance at meetings or other related professional services for this application shall be paid by the applicants. Furthermore, in the event the Town of Waukesha is required to enforce any of the conditions in this Conditional Use Permit amendment due to a violation of those conditions by the applicants, the applicants shall pay all professional fees incurred by the Town of Waukesha, including, but not limited to reasonable attorney fees.
21. **Transferable:** This Conditional Use Amendment granted to GTP Acquisition Partners, II, LLC shall be transferable upon sale or lease of the subject property. New owners of the subject property, if continuing with the tower use, must adhere to all conditions of the conditional use and notify the Town of Waukesha Clerk's office within thirty (30) days of transfer of ownership/use.
22. **Inspection:** The petitioners will allow the Town of Waukesha representatives to inspect the premises at any reasonable time for the purpose of determining compliance with the conditional use order.
23. **Private Rights.** This grant of a Conditional Use Permit amendment is not to be in any way interpreted to abrogate any private rights the other lot owners in that area may have pursuant to deed restrictions or restrictive covenants.
24. **Interpretation:** If any aspect of this Conditional Use Permit amendment is in conflict with any other aspect of the Conditional Use Permit, the more restrictive provisions shall be controlling, as determined by the Plan Commission of the Town of Waukesha.
25. **Severability:** Should any paragraph or phrase of this Conditional Use Permit amendment be determined by a court to be unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use Permit amendment and the remainder shall continue in full force and effect.
26. **Recordation:** This document shall be recorded at the Waukesha County Register of Deeds by the Town of Waukesha Clerk's office.

Seconded by Commissioner Flanagan, motion approved.

8. **DISCUSSION AND POSSIBLE ACTION**
 - A. **FINAL PLAT FOR DEERFIELD ESTATES**

B. SITE IMPROVEMENT PLAN
C. DEVELOPER'S AGREEMENT
D. LETTER OF CREDIT

Property Owner: Five Diamonds, Inc. – Representative/Agent/Developer Tom Kelenic
Property Owner: Russell Moyer (property sold on land contract to Five Diamonds, Inc.)
Property Address: Milky Way Road
Recommendation to the Town Board

Chairman Van Scyoc clarified the property address to be South of 59 at Deer Trail.

Representatives Jim Maloney and Tom Kelenic for Five Diamonds, Inc. stated they are here for the four (4) items stated in the agenda.

Planner Delacy reviewed the staff review with the Commissioners. He stated the owners are looking to preserve the woods and the wetland areas. The Planner, Commissioners and Attorney reviewed the driveway. Commissioner Buchholtz stated a 10 ft. driveway would not be acceptable. Representative Maloney state they would like to do a 15 ft. driveway. Planner Delacy reviewed the trail requirements requested by the County of Waukesha. Engineer Eberhardt stated there is no trail continuance in the near future, but is included in Waukesha Counties Land Use Plan.

Engineer Eberhardt reviewed with the Commissioners the conditions he has recommended. Engineer Eberhardt stated until Lot 3 and the access issues are resolved he cannot recommend approval of the final plat. He clarified by not approving will not stop the construction of the road if the other three (3) items were approved, since the ordinance states they may continue with the approval of the pre-liminary plat. He stated one of the issues of the final plat is the pole barn and access to Lot 3 and is also missing pictures of poles on the plan.

MOTION Commissioner Flanagan moved to propose the Lot 3 driveway be constructed to 20 ft. in width and northern edge be 10 ft. south of the north property line, to have the center line 20 ft. south of the north property line and conservancy delineation to be added to the draft conditions and once the driveway is completed Engineer Eberhardt will issue the compliance letter, seconded by Commissioner Fischer, motion carried.

Attorney Hammes reviewed the non-conforming structures Ordinance in his interpretation to the Commissioners. Commissioner Fischer confirmed the structure in question and asked for an explanation on the variance.

The Commissioners discussed the building site.

MOTION Commissioner Buchholtz moved have the conveyance by the developer to the first purchaser to have the existing building stay period to be not more than 10 years or until the second transfer to a second buyer, whichever is shorter and then the building would have to be razed and still follow the non-conforming structure requirements of the Town's ordinance, seconded Commissioner Fischer, motion approved. One nay from Commissioner Flanagan.

MOTION Commissioner Fischer moved to recommend to the Town Board approval of the Final Plat for Deerfield Estates; Site Improvement Plan; Developer's Agreement and the Letter of Credit; Property Owner: Five Diamonds, Inc. – Representative/Agent/Developer Tom Kelenic Property Owner: Russell Moyer (property sold on land contract to Five Diamonds, Inc.) Property Address: Milky Way Road, subject to all motions noted above and subject to the following conditions:

1. **Final Plat:** The final plat with revisions dated July 20, 2010 is hereby approved except as modified herein.
2. **Existing House:** Note on face of plat needs to be added stating, " House to be removed by December 31, 2011." Letter of Credit to include razing costs.
3. **Rain Gardens:** easement to be noted on plat. Add "Town Board" after Town of Waukesha throughout rain gardens maintenance language. Also,

Lot 3: move easement to be outside the 30 foot buffer

Lot 4: all 15 feet to be on Lot 4, not the 1 foot on Outlot1

Lots 1 & 5: 15 foot maintenance easement to be outside of 6 foot utility easement

4. **Driveway for Lot 3:** The driveway for Lot 3 shall be installed by the developer with the initial road installation for Moyer Way. The developer shall install 70 lineal feet of driveway into the lot from Moyer Way and be approved by the Town Engineer. The driveway shall be 15 feet wide, be located at least 10 feet off the north lot line and 12 feet from the wetland boundary.
5. **Storm Sewer:** The storm sewer to be specifically listed to stormwater maintenance and ownership for Lots 1-6.
6. **Outlot Statement:** Change wording on page 2 of 3, "Lots 1-6" own Outlot 1 and add "Town of Waukesha" after County to not be liable.
7. **Wetland Delineation:** Need DNR concurrence letter for wetland delineation prior to the Town signing the final plat. The C-1 zoning will be placed on the newly delineated wetlands effective the date of the Town Engineer's letter releasing the lots for building permit issuance.
8. **Outlot 1: Note #6:** change wording for "Lot 1-6" for drainage pond in Outlot 1 ownership.
9. **Signature:** The signature line is needed for "Dale Shaver" on page 3 of 3.
10. **Basement Restrictions:** Page 1 of 3 change wording for "Lots 1-6".
11. **Deed Restrictions:** Revised deed restrictions conflict with Town Zoning Code regarding retaining walls. No 3 foot height maximum and they can be in setback and offsets. If they are within 20 feet of any lot line, they need Plan Commission approval per Section 13-2-5(e) Preservation of Topography.
12. **Impact Fees:** Impact fees for residential dwelling lots/units at \$2,135.00 each for 5 lots to be paid prior to the Town recording the plat.
13. **Master Grading Plan:** Any changes from the approved grades need Town Building Inspector approval if the change is less than 12 inches. Changes greater than 12 inches need Town Engineer approval.
14. **Approval/Non-Objection Letters:** Approval or non-objection letters shall be submitted to Planner prior to recording of plat.
15. **Driveway Access:** Driveway access to pole barn on Lot 6 shall be removed from Milky Way Road when the house driveway is reconstructed/relocated.
16. **Pole Barn:** The Town attorney shall draft a deed restriction for Lot 6 reflecting that the 2,807 s.f. pole barn can remain for 10 years from the date of first conveyance of the lot or the second land transfer of the lot, whichever comes first.
17. **Technical Requirements:** All technical requirements listed in the Town Engineer's letter dated August 12, 2010, the Town Attorney's review of the letter of credit and Developer's Agreement shall be complied with by the developer.

Seconded by Commissioner Flanagan, motion approved.

Commissioner Buchholtz asked who manages the weeds. Engineer Eberhardt stated the rain gardens are to be included in the Storm Water Maintenance Agreement and then Waukesha County would be enforcing. Attorney Hammes confirmed.

9. **DISCUSSION AND POSSIBLE ACTION
APPLICATION FOR PRIVATE DRIVEWAY OVER 200'
APPLICATION OF OPEN SPACE REQUIREMENTS FOR NON-CONFORMING A-1 LOTS, AND TO
CONSIDER GRANTING A SPECIAL EXCEPTION TO THE A-1 OPEN SPACE REQUIREMENTS FOR
THE PROPERTY**

Property Owner: Sean and Michelle McCarthy
Property Address: East side of River Road, north of Point Drive
W273 S6282 River Road

John Stiegler of Jahnke and Jahnke, Waukesha is representing the Owner. Mr. Stiegler reviewed with the Commissioners the plan for the driveway and stated the revisions. Commissioner Buchholtz informed the Commissioners as to why the change to the driveway was recommended by him for a better access for rescue services. Engineer Eberhardt stated the drainage is adequate.

MOTION Commissioner Flanagan moved to recommend to the Town Board approval of the Application for Private Driveway over 200'; Property Owner: Sean and Michelle McCarthy Property Address: East side of River Road, north of Point Drive W273 S6282 River Road, seconded by Commissioner Buchholtz, motion approved.

Attorney Hammes reviewed with the Commissioners the status of the non-conforming A-1 lots. He stated this has to be addressed with the changing of the zoning code. He clarified with the Commissioners the legal reasoning why this can be completed without the Board of Zoning Appeals. He stated this would be a policy decision.

Commissioner Fischer stated would like to re-submit the modification of the zoning code to be amended and for the Plan Commission to start thinking of having recodification to be started in the near future.

MOTION Commissioner Fischer moved to recommend to the Town Board approval of the Application of Open Space Requirements for Non-Conforming A-1 Lots, and to Consider Granting a Special Exception to the A-1 Open Space Requirements for the Property; Property Owner: Sean and Michelle McCarthy Property Address: East side of River Road, north of Point Drive W273 S6282 River Road, with the special exception requiring of the open space requirement of 13.5 acres, opposed to the 18 acre minimum required by the A-1 zoning classification stated by Attorney Hammes, seconded by Flanagan, motion approved.

10. Staff Report – Tom Delacy, Independent Inspections
Non Compliance Spread Sheet

Planner Delacy stated the report is in the packet for their review.

Clerk's Note: Non Compliance Spreadsheet is attached.

Chairman Van Scyoc stated she received a call from a Brian and Lisa Fox looking for an allowance until November 1, 2010 to finish the retaining wall. Planner Delacy stated that they would hold enforcement off until the date specified. She also stated Mr. Herrenbruck would like to take care of the erosion control but are having problems with contractors that can rely on to correct the problem. Chairman Van Scyoc stated they are looking for an extension of the 5 days that are required. Planner Delacy stated they can move to 30 days from today.

11. ADJOURNMENT

MOTION Commissioner Fischer moved to adjourn at 8:20 p.m., seconded by Commissioner Buchholtz, motion approved.

Respectfully Submitted,

Jamie Salentine
Clerk-Treasurer